

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 8, 2008

DIVISION ONE

B191091 United Television Broadcasting Systems, Inc.
v.
Rancho Palos Verdes Broadcasters, Inc., et al.
Terence E. Crosby

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B205463 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Thomas T.

The order terminating parental rights is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

B202909 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B201173 Bulter (Not for Publication)

v.
Direct TV

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B206943 4975 Sandyland Road Association (Not for Publication)

v.
Gichon et al.

The order of the trial court is affirmed

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B205949 Coleman (Not for Publication)

v.
Coleman

The order denying the motion for relief is reversed. The matter is remanded with instructions to set aside the July 18, 2007, OSC and set a new hearing on respondent's OSC. Appellant is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

DIVISION TWO (continued)

B199294 Jay Bharat Developers, Inc.

v.

Minidis et al.

Filed order certifying opinion for publication.

B197596 Seager-Eason

v.

Smith

Filed order denying petition for rehearing.

DIVISION THREE

B203928 Los Angeles County, D.C F.S. (Not for Publication)

v.

T.W.

The November 7, 2007 order of the juvenile court terminating father's parental rights is conditionally reversed, solely for the purpose of ensuring compliance with ICWA. The matter is remanded to the juvenile court with directions to order the Department to conduct a full investigation into father's claimed Indian heritage and to provide proper notice of the proceedings under the ICWA to each of the relevant tribes and to the Bureau of Indian Affairs. If, after receiving notice, no tribe indicates that the child falls within the meaning of ICWA, or if no response is received within the prescribed time indicating that a child is an Indian child, the juvenile court shall reinstate the order terminating father's parental rights. In all other respects, the order is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION THREE (continued)

B203321 Drilon (Not for Publication)

v.
Chavez et al.

The order granting summary judgment is affirmed. HDC is entitled to its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B199165 People (Not for Publication)

V.
Moses Michael Grageda

The convictions of violating section 69 are reversed with the following directions: If the People do not retry Grageda on these charges pursuant to section 1382, subdivision (a)(2), within 60 days after the remittitur is filed in the trial court, or, if the People file a written election not to retry Grageda, the trial court shall proceed as if the remittitur modified the judgment to reflect conviction of three counts of resisting arrest (§ 148, subd. (a)(1) and resentence Grageda accordingly.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, deputy clerk.

DIVISION FIVE (continued)

Each of the following:

B204007 People v. Torres
B206334 People v. Guerra
B205027 Grigsby v. Felder
B207603 DCFS v. Diana V.
B205182 People v. Garcia

Argument waived, cause submitted.

B205602 Irene Shandell
v.
City of Compton

Merits:

Argued by Jeffrey Leist for appellant and by Anita Aviles, deputy city attorney, for respondent. Cause submitted.

B205601 Mark Saladino
v.
Fred Silberberg

Merits:

Argued by David Given for appellant and by Jonathan Cole for respondent. Cause submitted.

B207245 Laurie Lyng
v.
Brendan Vacations Inc., et al.

Merits:

Argued by Elizabeth Thompson for appellants and by Andrew Johnson for respondent. Cause submitted.

DIVISION FIVE (continued)

B205481 People
 v.
 Juan Carrillo

Merits:

Argued by Marc Karlin for appellant and by Eric Kohm, deputy attorney general, for respondent. Cause submitted.

B201951 Nancy Van Laningham
 v.
 Carlos Van Wormer

Merits:

Argued by David Clark for appellant and by John McNicholas for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:40 a.m.

Each of the following:

B204129 People v. Pearson

Argument waived, cause submitted.

B198585 Steven Levy
 v.
 Hanjin International

Merits:

Argued by Jack Willis for appellant and by Paul Burke for respondents. Cause submitted.

DIVISION FIVE (continued)

B200975 People
 v.
 Michael Smith

Merits:

Argued by Joan Wolff for appellant and by Dana Ali, deputy attorney general, for respondent. Cause submitted.

B205630 Burns Pacific Construction
 v.
 Modern Alloys, Inc.

Merits:

Argued by Wendy Lascher for appellant and by Jeffrey Pearlman for respondent. Submission deferred pending response from appellant re statute cited in oral argument.

B198505 Lorie Hearn
 v.
 Mark Hearn

Merits:

Argued by Kenneth Haddix for appellant and by Honey Amado for respondent. Cause submitted.

Court recessed.

Court reconvened at 1 p.m.

Each of the following:

B207537 DCFS v. Joseph A.

Argument waived, cause submitted.

October 8, 2008 (Continued)

DIVISION FIVE (continued)

B201603 Rick Auerbach
 v.
 TWC Aviation

Merits:

Argued by Albert Ramsayer, deputy county counsel, for appellant and by Marvin Murray for real party in interest and cross-appellant. Cause submitted.

B201617 Rick Auerbach
 v.
 CKE Associates

Merits:

Argued by Albert Ramsayer, deputy county counsel, for appellant and by Marta Almli for real party in interest and respondent. Cause submitted.

B202479 Das Corporation
 v.
 Kyung Kim et al.

Merits:

Argued by Edward Lazarus for appellant and by Paul Loh for respondents. Cause submitted.

Court adjourned.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, senior deputy clerk.

DIVISION SIX (continued)

B192977 Maria Vista Estates

Argument continued to December, 2008.

B204373 Hankins v. Hankins

No appearance, argument waived, cause submitted.

B205158 Human Services Agency
 v.
 C.L.

Merits:

Argument previously waived by appellant and argued by Alison L. Harris, assistant county counsel, for respondent. Cause submitted.

B205336 Human Services Agency
 v.
 B.B.

Merits:

Argument previously waived by appellant and argued by Oliver G. Hess, assistant county counsel, for respondent. Cause submitted.

B206370 Human Services Agency
 v.
 A.A.

Merits:

Argument previously waived by appellant and argued by Oliver G. Hess, assistant county counsel, for respondent. Cause submitted.

DIVISION SIX (continued)

B200639 Will
 v.
 Tinsley

Merits:

Argued by Katherine E. Stone for appellant and by Matthew P. Guasco for respondent. Respondents Becky Harmon, Dean Will, Duane Will and Jackie Newhouse each waived appearance pursuant to California Rules of Court, rule 8.220(a)(s). Cause submitted.

B200076 Fairfield
 v.
 Kasperbauer

Merits:

Argued by William F. Kruse for appellants and by Peter A. Goldenring for respondent. Cause submitted.

B201555 Romagnano
 v.
 Rancho Simi Recreation & Park District

Merits:

Argued by Arash Homampour for appellant and by Alan Diamond for respondent. Cause submitted.

Gilbert, P.J. left the bench.

DIVISION SIX (continued)

B204270 Save Our Ring of Green
 v.
 City of Thousand Oaks

Merits:

Argued by Frank P. Angel for appellant; by Tracy Michele Noonan, assistant city attorney, for respondents City of Thousand Oaks et al.; and by Barbara Joan Higgins for respondents Dubin et al. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, senior deputy clerk.

Each of the following:

B208977 Kenney-Pickard v. Westlake Healthcare Center, Inc.
B200090 M & C Products Analysis Technology v. Bertik

Off calendar.

B204907 County of Ventura
 v.
 Kitaaguchi

Merits:

Argued by Peter Joseph Horton for appellant and by Joseph J. Randazzo, assistant county counsel, for respondent. Cause submitted.

DIVISION SIX (continued)

B201610 Pacific Montana, LTD.

v.

Pierson

Merits:

Argued by William S. Walter for appellants and by Sue N. Carrasco for respondent. Cause submitted.

B202054 MBA Associates, Inc.

v.

Los Angeles Unified School Dist.

Merits:

Argued by Kenneth S. Grossbart for appellant and by Marley Suzanne Fox for respondent. Cause submitted.

B206380 Regos

v.

Nicoll

Merits:

Argued by Richard Regos, appellant, appearing in propria persona and by Mark S. Gottlieb for respondent. Cause submitted.

B209525 Santa Barbara Co. Coalition Against Automobile Subsidies

v.

Santa Barbara Co. Assoc. of Governments

Merits:

Argued by Eugene S. Wilson for appellant and by Kevin E. Ready, deputy county counsel, for respondent. Cause submitted.

Coffee, J. left the bench.

DIVISION SIX (continued)

B200238 Signal Hill Petroleum, Inc.
 v.
 King

Merits:

Argued by Paul J. Carter for appellants and by Matthew David Fischer for respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN

B208365 Jose G. and Rocio E. (Not for Publication)
 v.
 Superior Court, Los Angeles County

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

B201355 Lu (Not for Publication)
 v.
 Grewal et al.

The order of the superior court is affirmed. Respondent is to recover her costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

DIVISION SEVEN (continued)

B204705 Jung (Not for Publication)
v.
Kim et al.

The judgment is affirmed. Respondent is to recover her costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

[illegible]

The appeal is dismissed.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

B195344 People (Not for Publication)
v.
Santana et al.

The superior court is directed to modify Santana's abstract of judgment to reflect a two year concurrent term on count 3. The superior court is ordered to prepare and file with the Department of Corrections an amended abstract of judgment for Santana reflecting that change. In all other respects, the judgments are affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

October 8, 2008 (Continued)

DIVISION SEVEN (continued)

B206037 In re J.J. (Not for Publication)
 Los Angeles County, D.C.F.S.
 E.S., et al.

The orders appealed from are affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B205136 In re C.V. (Not for Publication)
Los Angeles County, D.C. F.S
v.
J.S.

The order is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B198342 First View, LLC
v.
New Western Properties

Filed order denying petition for rehearing.